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TWENTY-FIRST YEAR. 14 PAGES PHOENIX, ARIZONA, FRIDAY MORNING, APRIL 28, 1911. 14 PAGES VOL. XXI. NO. 339

## A "HARRY ORCHARD" THEORY OF DEFENSE

### Counsel for Alleged Dynamiters Believe McMannigal is a Traitor

## HE DECLINED THE SERVICES OF LABOR ATTORNEYS

### Said to Have Made a Long Statement to Los Angeles District Attorney—The Identification of James McNamara as "J. B. Bryce," the Purchaser of Dynamite, Completed by Mrs. Ingersoll—She Will be Corroborated by Other Witnesses.

Los Angeles, April 27.—So far as the defense is concerned it was announced by counsel tonight in the case of the alleged dynamite conspirators, that it will be conducted henceforward upon the theory that there is a "Harry Orchard" problem to be dealt with in the forthcoming legal battle for the lives of John J. McNamara, secretary of the International Bridge and Structural Iron Workers' association and his brother James.

The two McNamaras are now the only clients of the attorneys retained by the labor organizations and the legal fire of their defenders will be turned upon Orrie McMannigal, the man placed in jail with them yesterday as an accused fellow conspirator.

McMannigal about whose alleged confession so much has been said and written was examined for three hours today by District Attorney John D. Fredericks.

### McMannigal's New Confession.

Attorney O. M. Hilton, chief counsel of the Western Federation of Miners, said this afternoon that he was convinced that McMannigal had made sworn statements at that time purporting to fix the guilt for the Times horror and the other dynamite outrages upon the labor leader and his brother. The statements of District Attorney Fredericks were considered significant if not conclusive.

But Hilton declares, however, that the state may be in the position of having an alleged confession that was denied before hand by the author of it.

### LABOR ATTORNEY EXPECTED IT.

"I knew there was to be a confession," said Hilton, the Western Federation attorney, "as soon as I talked a bit with McMannigal. He said he would not change an attorney until he had seen Burns, the man who arrested him. I knew something was up, and then in the presence of competent witnesses I asked McMannigal the direct question whether he ever made the purported confession or expected to make one. He answered that he had not made a confession and would not make one. Twenty minutes later he was in the district attorney's office making a statement to shorthand reporters."

"I made it a point to see McMannigal first. Now if an alleged confession is presented in court, we can present to the jury the denial."

Hilton denied that he had stated, as reported today, that he knew immunity had been granted McMannigal. When asked whether the prisoner had exacted freedom as the price of turning state's evidence, District Attorney Fredericks replied emphatically: "Not by a d—d sight."

### McNAMARA IDENTIFIED.

In addition to the alleged confession feature, other lines of attack and defense in the case began developing today. According to District Attorney Fredericks, Mrs. Ingersoll, the San Francisco boarding house keeper, completed the identification of James McNamara as J. B. Bryce today, and signed an affidavit to that effect.

In consequence the woman is expected to play a conspicuous part in the forthcoming trial and probably will be made the object of vigorous attacks by the defense. On the other side it is stated by Attorney Job Harriman, who was with Hilton at the conferences with the prisoners, that the defense would be made on the point that the Times plant was destroyed and twenty-one of its men slain by an explosion of gas, which he said they had evidence to establish.

ridiculous," said Burns. "Anyone who knows me knows better. I am a laboring man, and am sorry the arrested men were connected with any labor union."

### UNIONISM NOT CRIMINAL.

Boston, April 27.—"If I believed that the success of unionism depended upon the commission of illegal acts, I should not hesitate one moment about severing my connection with it," declared John Mitchell, in an address before the Boston City Club tonight.

### DYNAMITE IN SUIT CASE.

The Discovery in the Union Station at St. Louis.

St. Louis, April 27.—A valise containing fifty-six pounds of dynamite was found under the settee in a second class waiting room of the Union station Wednesday night, and remained in the lost articles room until tonight, when a city detective opened the case and discovered the contents.

### REYES STARTS HOME.

He Will Probably Reoccupy Post of War Minister.

Paris, April 27.—General Reyes has been recalled by President Diaz and left for Mexico today. General Reyes has been in Europe nearly a year and a half formulating plans for the reorganization of the Mexican army.

### CARELESS WITH CAMERAS.

Two Californians Inadvertently Shot Japanese Naval Station.

Washington, April 27.—Two Californians, Richardson and Fletcher, arrested in Japan as spies because they photographed the Maizuru naval station, have been released and the state department has been notified by Ambassador O'Brien.

### LITTLE MORE THAN BOY WITH SENSE OF A BOY

### A FOOLHARDY MEXICAN SUB-LIEUTENANT.

### Provokes an Encounter in Which His Command is Annihilated.

Mexico City, April 27.—Refusing to surrender or leave the train on which he and his command of thirty soldiers were being brought to the capital, a second lieutenant, little more than a boy, yesterday engaged in battle with four hundred rebels at Cajones Guerrero. At the conclusion of the brief encounter the lieutenant and twenty-eight of his soldiers were dead and the remaining two prisoners.

### A CONDITION OF PEACE.

New Orleans, April 27.—Peace in Mexico cannot be assured for any length of time unless a definitive agreement is drafted, satisfactory not only to the revolutionists, directly controlled by Francisco I. Madero in the state of Chihuahua but to the rebel forces in the western, central and southern parts of the republic.

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### THE COMIC SUPPLEMENT.

Its Denunciation as a Perverter of Children.

Washington, D. C., April 27.—Crime and general perversion of mankind are due largely to errors in training children, Dr. Tom A. Williams of this city said before the International Congress of Child Welfare tonight.

## DIAZ' TENURE AN OBSTACLE

### A Stubborn Point in the Coming Negotiations

## A LIMIT MUST BE FIXED

### Though Insurrecto Commissioners Say that Peace is Assured, El Paso Correspondents are Quite Sure They are Secretive.

El Paso, Texas, April 27.—When the official peace commissioners who have not yet been named, get together here, it is probable that there will be at least one difficult matter left for them to settle if they can; that is, the length of time Diaz is to retain his seat after the hostilities have ceased.

Madero at first proclaimed that Diaz must resign at once, but with the coming of members of his family and the arguments they advanced he changed the point sufficiently to state that he would not insist on the president's immediate retirement. He went no further into the subject, but it is known privately that he informed the members of his family that neither he nor his under officers would consent to the president filling out the term which has yet five years to run.

He assents to the proposition that Diaz should remain at the governmental helm until complete tranquility has been restored but holds to the view that following the signature of the peace articles, a specific period should be agreed upon for the president to accomplish what is expected of him, and he should then, by the terms of the agreement retire to private life. Therein lies the seed of a possible failure of negotiations. It is understood that this point has been avoided in the telegraphic exchanges so far, but it is said that the question must be settled within the next week.

For purposes of publication the peace advocates here declare that peace is assured but efforts to secure any definite statement on the crucial point of Diaz's future tenure of office meet with silence or evasion.

A telegram from New Orleans states that General, on his way here from Washington, has been delayed by a washout and will not arrive until Saturday night.

That Francisco I. Madero is having trouble with his army is evident by the hand bills circulated Wednesday afternoon in the rebel camp west of Juarez. The armistice apparently is causing many insurrectos to desert, and a few days more may make a material difference. The discipline will be increased by new rulings, and deserters are warned that they may not return to Mexico "at the triumph of the revolution" without suffering the penalty of five years' imprisonment.

### SHAFROTH ADMINISTERS GUBERNATORIAL ROAST

### Ask Colorado Legislature What It is There for.

Denver, April 27.—Governor Shafroth exploded a bomb today in the ranks of the democratic members of the state legislature by a caustic criticism of their failure to enact the pledges of the last democratic platform, warning them of the "avalanche of public sentiment that is coming," and calling the attention of the people of Colorado to the conditions in the state house, for which he says, the democratic members themselves are responsible.

The state bank guarantee law, which was passed by the senate and which has not yet been acted upon by the house, brought forth a broadside which is in the form of a letter to the lower house. "The bill no more resembles the measure promised the people than night resembles day," said the governor. You have been in session 112 days, twenty-three days longer than any session in the last thirty years, and not one pledge has been redeemed.

### THE FLUTTERING DOVE.

On Belated Wings She Arrives at Chihuahua.

Chihuahua, Mex., April 26.—Via Laredo, Tex.—Orders received here from the Mexican minister of war to "cease hostilities in your zone," and also stating "that it is imperative that you overtake General Rubago and inform him of the peace pact," halted today the preparations being carried out by the federal commanders in the movement of the troops.

Orders have been rushed from Mexico City for the repairing of the railroad into Ciudad Juarez. General Rubago's force is thirty miles north of Chihuahua and it is understood these soldiers are destined for service as guards for the workmen on the railroad line.

When the order of the minister of war suspending hostilities received in this city couriers were sent to Rubago, and it is understood that his force will remain at present in camp, pending peace negotiations.

### MAZATLAN THREATENED.

The City Said to be Surrounded by Rebels.

Nogales, Mexico, April 27.—What is believed to be an authentic report reached this city from Mazatlan, a big port on the western coast, in the state of Sinaloa, saying that it was completely surrounded by rebels, who have cut off the water supply from the mountains.

The Mexican gunboat began shelling the rebel position from the harbor but yielded to the united protests of foreign consuls, ceased firing and put to sea. Trains are not running to Mazatlan from the north, the rebels having burned the bridges, eighteen miles out. Trains south to Culiacan have also stopped.

### S. P. OF MEXICO BRIDGE GONE.

Tucson, Ariz., April 27.—Passengers arriving today from the west coast of Mexico say that trains are not operating below Guila, south of Culiacan, due to the destruction of a \$40,000 steel railroad bridge. At the offices of Epes Randolph, vice president of the Southern Pacific line in Mexico, it is stated that Colonel Randolph is now in Mexico investigating the extent of the damage.

### AN INSURRECTO REVERSE.

Washington, April 27.—A severe defeat of the rebels in the state of Tabasco, Mexico, that has created a general belief that the revolution in that state has been crushed has been telegraphed by the American Consul Legation, at Protonteras to the state department today. The consul says the federal troops are pursuing the defeated insurrectos.

Forty-five revolutionists were killed, many wounded and quantities of ammunition, nine small cannon were captured by the federals. The federal loss was ten killed and twenty-three wounded.

### FEDERALS RETAKE TOWN.

Saltillo, Mexico, April 27.—Parriss, a town recently taken after a hard fight by the rebels, has been retaken by the federals under the command of Major Manuel Villars.

Following the taking of San Pedro de las Colinas by the rebels Emilio Madero, a brother of Francisco I. Madero was made presidente municipal.

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## GRATUITOUS CONCESSIONS

### President Taft Speaks of Free Meats and Flour

## CANADA REFUSED THEM

### Unable to Compete With Packers and Millers On This Side—President Denies Discrimination Against Farmers.

New York, April 27.—President Taft spoke before the joint banquet of the American Newspaper publishers' association and Associated Press at the Waldorf-Astoria tonight. He devoted the greater part of his address to Canadian reciprocity.

He said: "We tendered to the Canadian commissioners absolute free trade in all products of either country, manufactured or natural, but the Canadian commissioners did not feel justified in going so far. It is only reasonable to infer, therefore, that with respect to those articles upon which they refuse free trade to us, the fact that a profitable price at which they could be sold by our manufacturers in Canada was less than the price at which their manufacturers could afford to sell the same either to their own people or to us."

"Hence, it follows that their refusal to agree to free trade in those articles as proposed, is the strongest kind of evidence that if we should take off the existing duty from such articles coming into the United States, it would not affect in the slightest degree the price at which those articles could be furnished to the public here."

"Thus the reason why meats are not put on the free list was because Canada felt that competition with our packers would injuriously affect the products of their packing house. If that be true, how would it help our consumer or lower the price of meat in our markets, if we let their meats in free, while they retained the duty on our meat?"

"The same thing is true of flour. And yet some gentlemen insist that the former has been unjustly treated because we did not put Canadian flour and meat on the free list. And it is proposed to satisfy the supposed grievance of the farmers by now doing so without any compensating concession from Canada."

"But if we do make concessions without any consideration of the part of Canada then we are in danger of creating an obligation against us in favor of all foreign countries with whom we have existing treaties containing what is called 'the favored nation clause.'"

"More than this, these proposed gratuitous concessions are in the nature of admissions that in some way or other we have done injury to a particular class by this Canadian reciprocity agreement. I deny it. It is said that it injures the farmers. I deny it."

"The effect is not going in my judgment, to lower the specific prices of agricultural products in our country. It is going to steady them, and it is going to produce an interchange of products at a profit which will be beneficial to both countries."

"Another, and conclusive reason for closing the contract is the opportunity which it gives us to increase the supply of our natural resources which with the wastefulness of children we have wantonly exhausted."

## BIGGER HOUSE IS HALF MADE

### Passage of the Reapportionment Bill

## THE AMENDMENTS FAILED

### One Contemplated Taking Future Reapportionments Out of Hands of Congress. Insurgent Senators Pocket Their Disappointment.

Washington, April 27.—The bill providing for the enlargement of the national house of representatives, from 391 to 433 members and the apportionment of these members to different states on the basis of population shown by the recent federal census passed the house this evening after vain efforts by members of both political parties to amend it.

The proposed size of the house is identical with that provided for in the Crumpacker bill, passed by the house last session, but not acted upon by the senate.

The Houston bill as passed today leaves to the legislatures of the different states the re-arranging of the congressional districts of their states on the new population basis of one member for each 211,877 inhabitants.

Two important amendments proposed and defeated today were to put the redistricting power in the hands of the governors of states when the legislature failed to act and to limit the house in the future to a membership of 430 or 435, leaving future re-apportionments to the secretary of commerce and labor. Each amendment was vigorously championed by the republicans and had some democratic support.

### INSURGENTS NESTLE DOWN.

Washington, April 27.—The insurgent senators are not going on the war path over their disappointments in getting committee assignments.

When Senator Gallinger of the committee on committees today submitted the completed lists, Senator Cummins simply asked that their consideration be postponed until tomorrow. At that time, it is said, a protest for the sake of record only will be made because Senators LaFollette and Brewster were omitted from the interstate commerce and finance committees respectively.

### BERGER'S REFORM.

Socialist Member Proposes to Wipe Out Senate.

Washington, April 27.—Victor Berger, socialist member of the house of representatives from Wisconsin, in a resolution introduced today proposed not only to abolish the senate, but to take the veto power from the president, and authority from courts to invalidate legislation enacted by the house of representatives.

All this is proposed as an amendment to the constitution.

"The senate has run its course," said Mr. Berger. "It must some day, as with the British house of lords, yield to popular demands for its reformation or abolition."

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